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IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

LETTERS PATENT APPEAL No 1329 of 1996

in

MISC. CIVIL APPLICATION No 1286 of 1996

For Approval and Signature:

Hon'ble THE CHIEF JUSTICE G.D.KAMAT and

MR. JUSTICE C.K. THAKKER

1. Whether Reporters of Local Papers may be allowed to see the judgements? - Yes.

2. To be referred to the Reporter or not? - No. To

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Reporter. Q.

3. Whether Their Lordships wish to see the fair copy of the judgement? - No.

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?-No.

5. Whether it is to be circulated to the Civil

Judge?-No.

MS PATEL

Versus

STATE OF GUJARAT

Appearance:

MR AK CLERK for Petitioners
MR JR NANAVATI for Respondent No. 2, 3

CORAM : THE CHIEF JUSTICE G.D.KAMAT and
MR.JUSTICE C.K.THAKKER

Date of decision: 05/11/96

ORAL JUDGEMENT : (Per G.D. Kamat, C.J.)

Admit. By consent, to be heard forthwith.

Special Civil Application No.3992 of 1982 was dismissed on 21st June, 1996 for default of appearance of the appellants and / or their counsel. Miscellaneous Civil Application No.1286 of 1996 was taken out for setting aside the order of dismissal for default. Same was rejected on 22nd October, 1996. In the facts and circumstances of this case, both the orders, one dated 21st June, 1996 in Special Civil Application No.3992 of 1982 and the order dated 22nd October, 1996 in Miscellaneous Civil Application No.1286 of 1986 are set aside and Special Civil Application No.3992 of 1982 is restored to file, to be disposed of on merits. Appeal is accordingly allowed. There shall be no order as to costs.

(apj)